

## **REMARKS**

Upon entry of the present amendment, claims 1-3, 5, 7, 8, 10-14 and 16-18 will remain pending in this application. Claims 4 and 9 are hereby canceled. Claims 6 and 15 were previously canceled. Applicants respectfully submit that no new matter is added in the above amendments.

Claim 10 is objected to due to alleged informalities. Claims 4 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Claims 1-4, 10-13 and 18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over United States Patent Application Publication No. 2002/0107843 (“Biebesheimer”) in view of United States Patent Publication No. 2002/0107843 (“Davallou”). Claims 5, 7-9, 14, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over United States Patent No. 6,571,236 (“Ruppelt”) in view of United States Patent No. 6,434,547 (“Mishelevich”). Applicants respectfully traverse.

### ***Interview Summary***

Applicants’ undersigned representative, Mr. Eiferman, and Examiner Brent Stace participated in a telephonic interview on October 2, 2007, during which the above claim amendments were discussed. Examiner Stace agreed to reevaluate the pending rejections in light of the above claim amendments.

### ***Claim Objections***

Claim 10 is objected to due to alleged informalities. Applicants have made the necessary corrections to claim 10.

### ***Rejections under 35 U.S.C. § 112***

Claims 4 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Claims 4 and 9 are hereby canceled. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 112 rejections are respectfully requested.

***Rejections under 35 U.S.C. § 103***

1. Claims 1-4, 10-13 and 18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over United States Patent Application Publication No. 2002/0107843 (“Biebesheimer”) in view of United States Patent Publication No. 2002/0107843 (“Davallou”). Applicants respectfully traverse.

Independent claims 1, 10, 11 and 18 recite identifying at least one non-selected search result that is generated as part of a search but that is not selected by the user. Context-based user feedback data describing the search is then acquired by submitting one or more questions to the user regarding the non-selected search result.

The Office Action states that Biebesheimer fails to suggest context-based user feedback data. Rather, the Office Action cites Davallou (¶ 33) as allegedly teaching context-based user feedback data. In particular, Davallou (¶ 33) discloses that a user can enter an initial request (*i.e.*, query) that produces no results. The user can then enter a subsequent request that produces some results. The user can then be asked whether or not the subsequent query and results correspond to what the user actually intended with the first query. The results of this process are used to create phonetic matching rules (e.g., establishing a phonetic match between the initial query and the subsequent query). Applicants note that Davallou does not teach or suggest identifying non-selected results (or distinguishing between selected and non-selected results in any manner).

Thus, Applicants respectfully submit that the cited references do not teach or suggest the following features from independent claims 1 and 10 and corresponding features from claims 11 and 18:

identifying at least one non-selected search result that is generated by the search mechanism as part of said search but that is not selected by the user;

acquiring the context-based user feedback data describing said search by submitting one or more questions to the user regarding the non-selected search result

Accordingly, Applicants respectfully submit that independent claims 1, 10, 11 and 18 and all claims depending therefrom are patentable over the cited references.

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**PATENT**

2. Claims 5, 7-9, 14, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over United States Patent No. 6,571,236 (“Ruppelt”) in view of United States Patent No. 6,434,547 (“Mishelevich”). Applicants respectfully traverse.

Applicants respectfully submit that Ruppelt and Mishelevich also fail to teach or suggest the features described above with respect to independent claims 1, 10, 11 and 18. Accordingly, Applicants respectfully submit that independent claims 5 and 14 and all claims depending therefrom are patentable over the cited references. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103 rejections are respectfully requested.

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**CONCLUSION**

In view of the above amendments and remarks, Applicants respectfully request reconsideration of the present application.

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